



UNIVERSITY OF WASHINGTON

Office of the Associate Vice President, Enterprise Services

Mr. Meesh Weil
MuckRock News
Dept MR 63563
411A Highland Ave
Somerville, MA 02144-2516

March 6, 2019

Dear Meesh Weil,

I have been designated by the University of Washington President as the Hearing Officer for petitions requesting review of decisions by the University's Office of Public Records (OPR) that withhold or redact/exempt information under the state's Public Records Act. I am responding to your January 4, 2019, request for review of OPR's response to your request for inspection and copying of records relating to request identified as PR-2018-00830. Review of OPR responses may be requested under WAC 478-276-120.

First, to clarify, you have two recently active requests with the UW Office of Public Records, identified as PR-2018-00192 and PR-2018-00830.

PR-2018-00192 sought "Records that show the investigation findings (determination) for all sustained sexual harassment, rape, assault, and Title 9 violations for the last 10 years, involving UW teaching staff, managers, supervisors and executives." This request remains open and the University is continuing to search for, compile, and review responsive documents.

PR-2018-00830 asked for "Investigation findings (determination records only) for allegations of any crime according to Washington RCW statutes, committed by University of Washington (Seattle campus) employees in teaching, supervisory, managerial, and executive management roles, from January 2010 to present." The University concluded its response to this request on December 11, 2018, indicating it had not been able to locate any responsive records. That is the request this review, per your January 4 letter, addresses. That letter also indicates that you were not seeking records related to University of Washington Police Department investigations.

In reviewing this matter, I have considered your petition for review, the request for records, and the response by the OPR. The Public Records Act (RCW 42.56) requires state agencies to make public records available for public inspection unless a record is exempted from release by the Public Records Act or other statute which prohibits disclosure of certain records. The Act requires that a request be for identifiable records, and agencies are entitled to rely upon the language of the request for the requestor's intent. The Act does not require that agencies create records that do not exist, or to explain records or a lack of records.

With the exception of the University of Washington Police Department, offices and entities across the University do not investigate allegations of crimes. You have specifically indicated that you were not looking for Police Department records. Therefore I concur with and approve of OPR's response regarding PR-2018-00830.

However, in your January 4 letter you have clarified that you are requesting that UWPD records responsive to your initial request be searched for and provided. The Office of Public Records will re-open this request and provide responsive records as they become available. This request will continue to be separate from PR-2018-00192, which as noted above, remains open and in progress.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ann Anderson', with a long, sweeping horizontal stroke at the end.

Ann Anderson
Associate Vice President, Enterprise Services
University of Washington